

**Statement of
The Honorable Elijah E. Cummings, Chairman
Subcommittee on the Coast Guard and Maritime Transportation
Hearing on
“Civil Rights Services and Diversity Initiatives in the Coast
Guard”
April 1, 2009**

We convene today to consider the state of the Coast Guard's provision of civil rights services to its military and civilian workforce and to applicants for employment. We will also examine the initiatives being undertaken by the service to support expanded diversity among both its military and civilian personnel. As part of that examination, we will assess what the service has done to benchmark its diversity-related initiatives following a hearing we held on this subject last year.

In April 2008, the Director of the Coast Guard's Office of Civil Rights asked the Department of Homeland Security to commission and supervise an independent assessment of the Office and of civil rights programs within the Coast Guard. The proximate motivation for this request was the posting of derogatory blog entries on the web. However, as the Subcommittee has come to learn, there have long existed challenges far more central to the provision of effective civil rights services within the Coast Guard than those discussed in recent blog comments.

In February 2009, Booz|Allen|Hamilton, the firm ultimately commissioned to undertake the study of the Coast Guard Office of Civil Rights, issued its report to the Coast Guard, which subsequently released it to the public. I note that the Subcommittee invited Booz|Allen|Hamilton to testify today and also invited its representatives to meet privately with staff; they declined both offers citing their duty of confidentiality to their client and, rather perplexingly, their internal policy against lobbying. Despite Booz|Allen|Hamilton's total unresponsiveness to the Subcommittee's inquiries about a report it prepared on a federal agency and for which it received compensation from U.S. taxpayer funding, the firm's report speaks for itself.

Among other findings, the Booz|Allen|Hamilton team's review identified at the Coast Guard a civil rights program that does not fully protect confidential personal information, that does not conduct thorough analyses of barriers to equal opportunity in employment or develop specific plans to break these barriers down, and that has a number of inadequately trained service providers who cannot ensure implementation of a complaints management process that is in full compliance with regulatory requirements.

While these findings are obviously deeply troubling on their own, as the Subcommittee has learned in its extensive review of the Coast Guard's civil rights programs, they are certainly not new. Previous reviews of the Coast Guard's civil rights programs, and even the self-assessments the Coast Guard submits annually to the Equal Employment Opportunity Commission, repeatedly identify many of the same problems noted in the Booz|Allen|Hamilton report.

For example, a 2001 review conducted by KPMG found that:

- complaints were not handled in an efficient manner;
- individuals who provided civil rights services as a collateral duty showed “great variation in ... quality;”
- affirmative action-related reports were disseminated “but report interpretation and action is left up to the individual unit commands, who may or may not have the required time and knowledge to legally apply the affirmative action program as a factor in hiring and promoting;” and
- equal opportunity reviews were being conducted, but there were “no measures or metrics . . . by which to evaluate local command’s program performance.”

A review conducted by PriceWaterhouseCoopers more than a decade ago concluded that the Coast Guard’s “current civil rights program is relatively ineffective at preventing civil rights complaints and the current program office at headquarters is inefficient in discharging their responsibilities.”

In May 2008, the Equal Employment Opportunity Commission sent a feedback letter to the Coast Guard identifying the trends it observed in the Coast Guard’s annual self-reports from fiscal years 2004 through 2006. Again, the comments sound very familiar. EEOC stated that in its 2004 report, the Coast Guard admitted that “EEO officials did not have the knowledge, skills, and abilities to carry out the full duties and responsibilities of their positions.” In fiscal years 2005 and 2006, the service “reported that there was insufficient staff to conduct adequate analysis of civilian workforce data,” and in 2004, 2005, and 2006, the service noted it “has not implemented an adequate data collection and analysis system and had not tracked recruitment efforts.” The EEOC found that the Coast Guard’s recruitment practices for positions in the civilian workforce created “unintended barriers” to diversity.

Having read all this, what was perhaps most disappointing to me was not just the devastating nature of these individual findings, but the fact that the problems they describe have apparently persisted for nearly a decade. Put simply, the picture that emerges from the reports available to us shows that despite knowing that its equal opportunity programs did not ensure full compliance with U.S. law and regulations, the Coast Guard has taken little to no action to ensure full compliance. Further, there have apparently been no consequences for these failures – except perhaps the individual consequences that Coast Guard personnel may have borne, some of whom may have been denied the opportunity to effectively challenge what they may have felt was discriminatory treatment.

Discrimination is an evil that destroys the dignity of fellow human beings and robs them of the opportunity to achieve what their abilities would otherwise enable them to achieve. In this, the 21st Century, any agency that tolerates any failure in the implementation of effective equal employment opportunity processes or in the effective management of complaints is an agency that is willing to tolerate the possibility that discrimination may exist in its midst.

While I applaud the decision of the Director of the Office of Civil Rights to ask for an independent assessment of Coast Guard civil rights practices, it is also obvious that further study is not needed. Back in 2001, the KPMG team that assessed the Coast Guard’s civil rights program reported that the wide gaps between how the service’s equal employment opportunity program was described in manuals and how the program was actually

implemented “created a perception that the program is not necessarily a priority among senior leadership.” It is LONG PAST TIME that these gaps be closed.

Importantly, as the Booz|Allen|Hamilton report makes clear, successful implementation of the reforms needed to correct the gaps that their team found “will need to be openly endorsed at the highest level of the Coast Guard organization to ensure the cooperation of, and participation by, key stakeholders.” I know that the Coast Guard is undertaking a variety of initiatives to expand diversity, and I commend the written testimony of Admiral Breckenridge, which details these efforts. I also commend the individual efforts of Coast Guard personnel to support the service’s diversity goals. I note that Admiral Allen himself recently visited Morgan State University in my district and gave a very inspiring address to students at that Historically Black University.

What I didn’t find in Admiral Breckenridge’s testimony, however, was a statement that the MD-715 process will now be used as intended to identify all barriers to equal access and to inform the development of the plans that will eliminate these barriers, or that a similar process will be implemented on the military side. While I appreciate discussion of an “upward glide slope,” progress cannot be measured until specific goals are in place – and to think that goals would need to be defined as “specific representational objectives” is simply to think too narrowly.

I also commend Director Dickerson’s testimony, and her decision to request the Booz|Allen|Hamilton review. I emphasize that I understand – as the Booz|Allen|Hamilton report indicates and the evidence clearly shows – that many of the problems with the Coast Guard’s civil rights program have long pre-dated her appointment.

That said, it is now our watch and the failures and deficiencies that exist with the Coast Guard’s civil rights programs CANNOT CONTINUE. For the Coast Guard to truly be “Semper Paratus” – always ready – it must take all necessary steps to ensure that it is not handicapped by discrimination in its ranks or the divisions that discrimination produces.

As I said when I addressed the Coast Guard Academy following the discovery of nooses there, “Diversity – and our mutual respect for each other – are our greatest strengths as a nation.” They must necessarily be the greatest strengths of those who defend this nation, but they can be so only when an agency makes the achievement of diversity and the provision of effective civil rights services a top priority, rather than what appears to be a second thought.

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